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11 Attorneys for Plaintiff
C.F.C., a minor, by and through
12 Christine F., his parent and guardian

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14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**
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18 C.F.C., minor, by and through CHRISTINE
F., his parent and guardian, on behalf of
19 himself and all others similarly situated,

20 Plaintiff,

21 v.

22 POWER BALANCE LLC; a Delaware
Limited Liability Company.

23 Defendants.
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CASE NO. 3:11-CV-00487-EMC

Hon. Edward M. Chen

**REQUEST TO VACATE UPCOMING
CASE MANAGEMENT CONFERENCE IN
LIGHT OF ONGOING AUTOMATIC
STAY UNDER 11 U.S.C. SECTION 362**

ORDER RESETTING CMC

**Complaint filed: February 1, 2011
Trial Date: None Set**

1 Plaintiff C.F.C., minor, by and through Christine F., his parent and guardian (“Plaintiff”)
2 requests as follows:

3 WHEREAS, on November 18, 2011, Defendant Power Balance, LLC filed a voluntary
4 Chapter 11 petition for relief in the United States Bankruptcy Court for the Central District of
5 California.

6 WHEREAS, on November 22, 2011, Power Balance filed a Notice of Pending Chapter
7 11 Bankruptcy and Notice of Automatic Stay in this court (Dkt. No. 29).

8 WHEREAS, the Chapter 11 bankruptcy, Case No. 8:11-25982, is pending before the
9 Honorable Theodore Albert, United States Bankruptcy Judge (the “Bankruptcy Action”).

10 WHEREAS, the court in the Bankruptcy Action has confirmed Power Balance’s Third
11 Amended Chapter 11 Liquidating Plan.

12 WHEREAS, Plaintiff’s claims will be resolved by the Third Amended Chapter 11
13 Liquidating Plan, thus Plaintiff intends to dismiss this case.

14 WHEREAS, Plaintiff has contacted Power Balance’s bankruptcy attorneys and requested
15 that they sign a Stipulation for Voluntary Dismissal pursuant to F.R.C.P. 41(a)(1)(A)(ii).
16 Plaintiff has not yet heard back from Power Balance’s attorneys on this matter. If Power
17 Balance’s bankruptcy attorneys cannot sign the Stipulation for Voluntary Dismissal, Plaintiff
18 intends to file a request for a Court Order dismissing this case.

19 WHEREAS, pursuant to Section 362(a) of the Bankruptcy Code, there is currently an
20 ongoing automatic stay over the instant action.

21 WHEREAS, on February 7, 2014, the Court previously granted Plaintiff’s request to
22 vacate the prior Case Management Conference due to the ongoing automatic stay.

23 Accordingly, in light of the ongoing automatic stay under Bankruptcy Code § 362(a) and
24 Plaintiff’s intent to dismiss the case, Plaintiff requests that this Court vacate the upcoming Case
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1 Management Conference currently scheduled for April 24, 2014, and reset it to a date in June
2 2014.

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4 Dated: April 16, 2014

LEXINGTON LAW GROUP

5 /s/ Mark Todzo

6 Mark Todzo

Attorneys for Plaintiff

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9 **PURSUANT TO THE REQUEST, IT IS SO ORDERED.** The 4/24/14 CMC is reset for
10 7/10/14 at 9:30 a.m. An updated
11 joint CMC statement shall be
12 filed by 7/3/14.

13 Dated: April ²¹____, 2014

14 HON. EDWARD M. CHEN

